

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-HC-2059-BO

CHARLES W. MCARTHUR, )  
Petitioner, )  
 )  
v. )  
 )  
GOV. PAT MCCRORY, et al., )  
Respondents. )

**ORDER**


On April 1, 2015, Charles W. McArthur (“McArthur”) filed a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 1 and 4]. The court now conducts its preliminary review pursuant to 28 U.S.C. § 2243 and dismisses the case.

Petitioner asserts that Wake County and North Carolina “cannot be the body of the crime or an injured party.” He continues that “[t]o allow a corporation (Wake Co.) without proper standing to prosecute a claim against my person is a violation of the 5<sup>th</sup> Amendment.” Therefore he seeks dismissal of the criminal case and release from incarceration. North Carolina, having ratified the United States Constitution on November 21, 1789, is one of the States of the United States of America, not a territory. Cross v. Harrison, 57 U.S. 164, 170, 200 (1853). It is also a separate sovereign with the power to prosecute crimes in its territory. Abbate v. United States, 359 U.S. 187, 194 (1959). North Carolina relied on its criminal statutes to prosecute petitioner. In fact on July 16, 2015, it appears McArthur was convicted of habitual misdemeanor assault. <http://webapps6.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=0262866&searchLastName=McArthur&searchFirstName=charles&searchMiddleName=w&listurl=pagelistoffendersearchresults&listpage=1>. Petition raises no colorable challenge to North Carolina’s jurisdiction

under these statutes. See Joiner v. Perry, 2014 WL 2930724, \*1 (M.D.N.C. June 27, 2014) (raising the same or similar arguments). Furthermore and in an abundance of caution, any claim not discussed is dismissed for failure to articulate an actionable claim. White v. White, 886 F.2d 721, 723 (4th Cir. 1989) (minimum level of factual support required).

Accordingly, the matter is DISMISSED on initial review. The certificate of appealability is DENIED. The Clerk is DIRECTED to CLOSE the case.

SO ORDERED. This 4/ day of September 2015.

  
TERRENCE W. BOYLE  
United States District Judge